

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,

v.

Curtis Antonio Wright

Case No. 4:04-cr-00468-TLW-1

Order

This matter is before the Court on Defendant's motion for a sentence reduction pursuant to the First Step Act of 2018 (FSA), passed by Congress and signed into law by the President on December 21, 2018. This law contains sentencing provisions that apply retroactively to defendants previously sentenced. The Court held a telephone resentencing hearing on March 4, 2019 and this order addresses the matters discussed at the hearing. A transcript of that hearing will be included in the record.

At the hearing and in the written motion, defense counsel states that Defendant is subject to resentencing. The Government agrees. After careful review, the Court concludes that he is eligible for relief under the FSA and grants his motion.

Defendant was charged with and pled guilty to a charge of Conspiracy to Possess With Intent to Distribute 50 Grams or More of Cocaine Base in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 846, and 851. His Guidelines range at sentencing was 240 months pursuant to the statutory mandatory minimum sentence. PSR ¶¶ 59–60. Absent the mandatory minimum, his Guidelines range would have been 168–210 months based on a Total Offense Level 34 and Criminal History Category II. PSR ¶ 60. The Court imposed a 240-month term of imprisonment, followed by a 10-year term of supervised release, which was also dictated by statute. ECF No. 50.

Pursuant to the FSA and as referenced in the Sentence Reduction Report (SRR) prepared by the U.S. Probation Office, the mandatory minimum applicable to Defendant has been reduced to 120 months, which also becomes the new Guidelines range. Absent the mandatory minimum, his Guidelines range would be 87–108 months based on a Total Offense Level 28 and Criminal History Category II. Additionally, his supervised release term has been reduced to 8 years. Counsel for both the Government and Defendant agree that these provisions now apply.

In Defendant's motion, he moves the Court to reduce his sentence to 120 months imprisonment and 8 years of supervised release. The Government consents to the requested relief.

Pursuant to the FSA and for the reasons set forth in the motion and SRR, Defendant's motion, ECF No. 77, is **GRANTED**. Defendant is now sentenced to 120 months imprisonment, followed by 8 years of supervised release. An amended judgment will follow.

IT IS SO ORDERED.¹

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

March 4, 2019
Columbia, South Carolina

¹ In light of the Court's ruling, the other outstanding motion in this case, ECF No. 75, is **DISMISSED AS MOOT**.